

Circular 92

# Copyright LAW of the



United  
States  
of  
America

and Related Laws  
Contained in Title 17  
of the  
United States Code

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# The Constitutional Provision Respecting Copyright

The Congress shall have Power ... To promote the Progress of Science  
and useful Arts, by securing for limited Times to Authors and Inventors  
the exclusive Right to their respective Writings and Discoveries

(United States Constitution, Article I, Section 8)

## PREFACE

This volume contains the text of title 17 of the *United States Code*, including all amendments enacted through the end of the first session of the 106th Congress in 1999. It includes the Copyright Act of 1976 and all subsequent amendments to copyright law; the Semiconductor Chip Protection Act of 1984, as amended; and the Vessel Hull Design Protection Act, as amended. The Copyright Office is responsible for registering claims under all three.

The United States copyright law is contained in chapters 1 through 8 and 10 through 12 of title 17 of the *United States Code*. The Copyright Act of 1976, which provides the basic framework for the current copyright law, was enacted on October 19, 1976 as Pub. L. No. 94-553, 90 Stat. 2541. Listed below in chronological order of their enactment are subsequent amendments to copyright law.

Chapters 9 and 13 of title 17 contain statutory design protection that is independent of copyright protection. Chapter 9 of title 17 is the Semiconductor Chip Protection Act of 1984 (SCPA), as amended. On November 8, 1984, the SCPA was enacted as title III of Pub. L. No. 98-620, 98 Stat. 3335, 3347. Chapter 13 of title 17 is the Vessel Hull Design Protection Act (VHDPA). It was enacted on October 28, 1998 as title V of the Digital Millennium Copyright Act (DMCA), Pub. L. No. 105-304, 112 Stat. 2860, 2905. Subsequent amendments to the SCPA and the VHDPA are also included in the list below, in chronological order of their enactment.

For transitional and supplementary copyright provisions that were enacted as part of the Copyright Act of 1976 and the DMCA, but which do not amend title 17, see the Appendix.

### **Statutory Enactments Contained in Title 17 of the *United States Code***

- [The Copyright Act of 1976], Pub. L. No. 94-553, 90 Stat. 2541 (for the general revision of copyright law, title 17 of the *United States Code*, and for other purposes), October 19, 1976.
- Legislative Branch Appropriation Act, 1978, Pub. L. No. 95-94, 91 Stat. 653, 682 (amending §203 and §708, title 17, *United States Code*, regarding the deposit of monies by the Register of Copyrights in the Treasury of the United States), enacted August 5, 1977.
- [Copyright Amendments], Pub. L. No. 95-598, 92 Stat. 2549, 2676 (amending §201(e), title 17, *United States Code*, to permit involuntary transfer under the Bankruptcy Law), enacted November 6, 1978.
- [Copyright Amendments], Pub. L. No. 96-517, 94 Stat. 3015, 3028 (amending §101 and §117, title 17, *United States Code*, regarding computer programs), enacted December 12, 1980.

- Piracy and Counterfeiting Amendments Act of 1982, Pub. L. No. 97-180, 96 Stat. 91, 93 (amending §506(a), title 17, *United States Code* and title 18 of the *United States Code*), enacted May 24, 1982.
- [Copyright Amendments], Pub. L. No. 97-215, 96 Stat. 178 (amending the manufacturing clause in chapter 6, title 17, *United States Code*), enacted July 13, 1982.
- [Copyright Amendments], Pub. L. No. 97-366, 96 Stat. 1759 (amending §110 and §708, title 17, *United States Code*, regarding the redesignation of registration fees as filing fees, and the exemption from copyright liability of certain performances of nondramatic literary or musical works), enacted October 25, 1982.
- Record Rental Amendment of 1984, Pub. L. No. 98-450, 98 Stat. 1727 (amending §109 and §115, title 17, *United States Code*, with respect to rental, lease or lending of sound recordings), enacted October 4, 1984.
- The Semiconductor Chip Protection Act of 1984, title III of Pub. L. No. 98-620, 98 Stat. 3335, 3347 (adding chapter 9, title 17, *United States Code*, to provide design protection for semiconductor chips), November 8, 1984.
- [Copyright Amendments], Pub. L. No. 99-397, 100 Stat. 848 (amending §111 and §801, title 17, *United States Code*, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station), enacted on August 27, 1986.
- [Amendments to the Semiconductor Chip Protection Act of 1984], Pub. L. No. 100-159, 101 Stat. 899 (amending chapter 9, title 17, *United States Code*, regarding protection extended to semiconductor chip products of foreign entities), enacted November 9, 1987.
- Berne Convention Implementation Act of 1988, Pub. L. No. 100-568, 102 Stat. 2853, enacted October 31, 1988. (See the Appendix for certain provisions of this Act that do not amend title 17 of the *United States Code*.)
- [Copyright Amendments], Pub. L. No. 100-617, 102 Stat. 3194 (extending for an additional eight-year period certain provisions of title 17, *United States Code*, relating to the rental of sound recordings and for other purposes), enacted November 5, 1988.
- Satellite Home Viewer Act of 1988, title II of Pub. L. No. 100-667, 102 Stat. 3935, 3949, enacted November 16, 1988.
- Judicial Improvements and Access to Justice Act, Pub. L. No. 100-702, 102 Stat. 4642, 4672 (amending § 912, title 17, *United States Code*), enacted November 19, 1988.

- Copyright Fees and Technical Amendments Act of 1989, Pub. L. No. 101-318, 104 Stat. 287, enacted on July 3, 1990.
- Copyright Royalty Tribunal Reform and Miscellaneous Pay Act of 1989, Pub. L. No. 101-319, 104 Stat. 290, enacted July 3, 1990.
- Copyright Remedy Clarification Act, Pub. L. No. 101-553, 104 Stat. 2749, enacted November 15, 1990.
- Visual Artists Rights Act of 1990, title VI of the Judicial Improvements Act of 1990, Pub. L. No. 101-650, 104 Stat. 5089, 5128, enacted December 1, 1990.
- Architectural Works Copyright Protection Act, title VII of the Judicial Improvements Act of 1990, Pub. L. No. 101-650, 104 Stat. 5089, 5133, enacted December 1, 1990.
- Computer Software Rental Amendments Act of 1990, title VIII of the Judicial Improvements Act of 1990, Pub. L. No. 101-650, 104 Stat. 5089, 5134, enacted December 1, 1990.
- Semiconductor International Protection Extension Act of 1991, Pub. L. No. 102-64, 105 Stat. 320 (amending chapter 9, title 17, *United States Code*, regarding protection extended to semiconductor chip products of foreign entities), enacted June 28, 1991.
- Copyright Amendments Act of 1992, Pub. L. No. 102-307, 106 Stat. 264, 272 (amending title 17 of the *United States Code*, by deleting subsection 108(i) in its entirety), enacted June 26, 1992.
- Copyright Renewal Act of 1992, title I of the Copyright Amendments Act of 1992, Pub. L. No. 102-307, 106 Stat. 264, enacted June 26, 1992.
- [Copyright Amendments], Pub. L. No. 102-492, 106 Stat. 3145 (amending §107, title 17, *United States Code*, regarding unpublished works), enacted October 24, 1992.
- [Copyright Amendments], Pub. L. No. 102-561, 106 Stat. 4233 (amending §2319, title 18, *United States Code*, regarding criminal penalties for copyright infringement), enacted October 28, 1992.
- Audio Home Recording Act of 1992, Pub. L. No. 102-563, 106 Stat. 4237 (amending title 17 of the *United States Code* by adding a new chapter 10), enacted October 28, 1992.
- North American Free Trade Agreement Implementation Act, Pub. L. No. 103-182, 107 Stat. 2057, 2114 and 2115 (amending §109, title 17, *United States Code*, and adding a new §104A), enacted December 8, 1993.

- Copyright Royalty Tribunal Reform Act of 1993, Pub. L. No. 103-198, 107 Stat. 2304 (amending, *inter alia*, chapter 8, title 17, *United States Code*), enacted December 17, 1993.
- Satellite Home Viewer Act of 1994, Pub. L. No. 103-369, 108 Stat. 3477 (amending, *inter alia*, §111 and §119, title 17, *United States Code*, relating to the definition of a local service area of a primary transmitter), enacted October 18, 1994.
- Uruguay Round Agreements Act, Pub. L. No. 103-465, 108 Stat. 4809, 4973 (amending, *inter alia*, §104A, title 17, *United States Code*, and adding a new chapter 11), enacted December 8, 1994. (See the Appendix for the text of certain provisions of this Act that do not amend title 17 of the *United States Code*.)
- Digital Performance Right in Sound Recordings Act of 1995, Pub. L. No. 104-39, 109 Stat. 336 (amending, *inter alia*, §114 and §115, title 17, *United States Code*), enacted November 1, 1995.
- Anticounterfeiting Consumer Protection Act of 1996, Pub. L. No. 104-153, 110 Stat. 1386, 1388 (amending §603(c), title 17, *United States Code* and §2318, title 18, *United States Code*), enacted July 2, 1996.
- Legislative Branch Appropriations Act, 1997, Pub. L. No. 104-197, 110 Stat. 2394, 2416 (amending, *inter alia*, title 17 of the *United States Code*, by adding a new §121 concerning the limitation on exclusive copyrights for literary works in specialized format for the blind and disabled), enacted September 16, 1996.
- [Copyright Amendments and Amendments to the Semiconductor Chip Protection Act of 1984], Pub. L. No. 105-80, 111 Stat. 1529 (making technical amendments to certain provisions of title 17, *United States Code*), enacted November 13, 1997.
- No Electronic Theft (NET) Act, Pub. L. No. 105-147, 111 Stat. 2678, enacted December 16, 1997.
- Sonny Bono Copyright Term Extension Act, title I of Pub. L. No. 105-298, 112 Stat. 2827 (amending chapter 3, title 17, *United States Code*, to extend the term of copyright protection for most works to life plus 70 years), enacted October 27, 1998.
- Fairness in Music Licensing Act of 1998, title II of Pub. L. No. 105-298, 112 Stat. 2827, 2830 (amending, *inter alia*, §110, title 17, *United States Code*, and adding §513 to provide a music licensing exemption for food service and drinking establishments), enacted October 27, 1998.
- Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2887 (title IV amending §108, §112, §114, chapter 7 and chapter 8, title 17, *United States Code*),



enacted October 28, 1998. (This Act also contains four separate acts within titles I, II, III and V that amended title 17 of the *United States Code*. These four acts are each separately listed below. See the Appendix for additional provisions of this Act that do not amend title 17 of the *United States Code*.)

- WIPO Copyright and Performances and Phonograms Treaties Implementation Act of 1998, title I of the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2861 (amending title 17 of the *United States Code*, *inter alia*, to add a new chapter 12 which prohibits circumvention of copyright protection systems and provides protection for copyright management information), enacted October 28, 1998.
- Online Copyright Infringement Liability Limitation Act, title II of the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2877 (amending title 17 of the *United States Code*, to add a new §512), enacted October 28, 1998.
- Computer Maintenance Competition Assurance Act, title III of the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2886 (amending §117, title 17, *United States Code*), enacted October 28, 1998.
- The Vessel Hull Design Protection Act, title V of the Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860, 2905 (adding chapter 13, title 17, *United States Code*, to provide design protection for vessel hulls), enacted October 28, 1998.
- [Copyright Amendments and Amendments to the Vessel Hull Design Protection Act], Pub. L. No. 106-44, 113 Stat. 221 (making technical corrections to title 17 of the *United States Code*), enacted August 5, 1999.
- The Satellite Home Viewer Improvement Act of 1999, title I of the Intellectual Property and Communications Omnibus Reform Act of 1999, Pub. L. No. 106-113, 113 Stat. 1501, app. I (amending chapters 1 and 5 to replace the Satellite Home Viewer Act of 1994 and amending chapters 12 and 13 of title 17, *United States Code*), enacted November 29, 1999.
- The Digital Theft Deterrence and Copyright Damages Improvement Act of 1999, Pub. L. No. 106-160, 113 Stat. 1774, (amending chapter 5 of the *United States Code* to increase statutory damages for copyright infringement), enacted December 9, 1999.

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## CONTENTS

Chapter 1 — SUBJECT MATTER AND SCOPE OF COPYRIGHT .....	1
Chapter 2 — COPYRIGHT OWNERSHIP AND TRANSFER .....	87
Chapter 3 — DURATION OF COPYRIGHT .....	93
Chapter 4 — COPYRIGHT NOTICE, DEPOSIT, AND REGISTRATION .....	103
Chapter 5 — COPYRIGHT INFRINGEMENT AND REMEDIES .....	115
Chapter 6 — MANUFACTURING REQUIREMENTS AND IMPORTATION .....	133
Chapter 7 — COPYRIGHT OFFICE .....	137
Chapter 8 — COPYRIGHT ARBITRATION ROYALTY PANELS .....	145
Chapter 9 — PROTECTION OF SEMICONDUCTOR CHIP PRODUCTS .....	153
Chapter 10 — DIGITAL AUDIO RECORDING DEVICES AND MEDIA .....	165
Chapter 11 — SOUND RECORDINGS AND MUSIC VIDEOS .....	177
Chapter 12 — COPYRIGHT PROTECTION AND MANAGEMENT SYSTEMS .....	179
Chapter 13 — PROTECTION OF ORIGINAL DESIGNS .....	193

## APPENDIX

I. Transitional and Supplementary Provisions of the Copyright Act of 1976 .....	207
II. Berne Convention Implementation Act of 1988 .....	211
III. Uruguay Round Agreements Act .....	213
IV. GATT/Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement, Part II, Section 6: Layout-Designs (Topographies) of Integrated Circuits .....	219
V. Additional Provisions of the Digital Millennium Copyright Act .....	221
VI. Definition of “Berne Convention Work” .....	229
VII. Selected Provisions of the <i>U.S. Code</i> Relating to Copyright .....	231